UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/801,140	03/06/2001	Robert Olan Keith JR.	ABREAU-00106	6018

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EXAMINER
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ART UNIT	PAPER NUMBER
2161	

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>04 June 2004</u>.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-38* is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-38* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a) ☐ All   b) ☐ Some * c) ☐ None of:

       1. ☐ Certified copies of the priority documents have been received.

       2. ☐ Certified copies of the priority documents have been received in Application No. _____.

       3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
     Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments filed 06/04/04 have been fully considered but they are not persuasive.

♦ Applicant argues that Witek's dichotomous key search is different with the dichotomous key search of the invention (page 2 of the remark). The Examiner respectfully disagrees.

It is well known in the art that any yes-no question is a binary key structure or two-node tree. Witek discloses this key search by providing yes-no question in the form of check box (See col.16, lines 27 – 41). If the user checks the box (means yes) the system will search for the node that has this feature. Therefore, the search system will traverse down the tree structure.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the definition of dichotomous and the way to use it as disclosed on page 18, lines 6 – 10 of the disclosure) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

♦ Applicant argues that Witek does not teach accessing a node within the directory tree structure using a query string (page 3 of the Remark). The Examiner respectfully disagrees.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the different between query and query string, where the query string as claimed in the invention is described as a command string written in a specific query language (page 3 of the Remark) are not recited

in the rejected claim(s). Although the claims are interpreted in light of the specification,

limitations from the specification are not read into the claims. See *In re Van Geuns*, 988

F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Witek discloses a search system that allows the users to input search string (such as

keywords, search options, see Fig. 10). Those keywords are represented a string. Therefore, there

is no different between the queries in Witek with the query string in the instance invention.

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
> in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
> patent by another filed in the United States before the invention by the applicant for patent, except that an
> international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
> subsection of an application filed in the United States only if the international application designated the United
> States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 1 – 3, 6 – 13, 16 – 23, 26 – 33, 36 – 38 are rejected under 35 U.S.C. 102(e) as

being anticipated by Witek et al (U.S. 6,253,188)

♦ As per claim 1, 11, 21, 31,

Witek teaches a method of accessing information in a searchable database comprising:

-       "The searchable database is formatted in a directory tree structure" See Fig. 4, col. 11,

        lines 20 – 25, col. 18, lines 1 – 32.

-       "The directory tree structure includes nodes ... branches" See fig. 4. Each category

        corresponds to a node. All nodes are linked together.

- "Each related item of data is categorized by a navigation path through the directory tree

  structure and by one or more parameters" Witek teaches that: "Web sites and associated

  pages are prepared with HTML and include "links" to other locations and resources on

  the Web, the links being the features which enables a user, as noted, to "navigate" from

  one point or information resource to another, thereby, providing the Web with its

  dynamic character (col. 23, lines 11 – 22.) Therefore, the link corresponds to the path that

  is used to access to the resource. Witek discloses a method to category documents by

  identifying the parameters and associated values (col. 50, lines 56 – 67). Based on these

  values, the document is assigned to a category, and created link to the document.

- " Each parameter is set with a corresponding value associated with the data item thereby

  forming a set parameter" see Fig. 3, col. 15, lines 25 – 26, col. 51, lines 1 – 11.

- Users access the directory by a query. The query includes keywords that defined the

  navigation path. Users access the directory by a query (See Fig. 10, Witek); therefore the

  navigation path is defined by a query language string.

♦ As per claim 2 – 3, 12 – 13, 22 – 23, 32 – 33, Witek teaches:

- "Manually traversing the navigation path through the directory tree structure to access the

  node" See Fig. 8 – 10. A user can specify the resource by selecting a category and set up

  one or more set parameters as shown in Fig. 10. In other words, the data item is accessed

  by a navigation path and parameters set.

- "Utilizing a selective one or more…. parametric search" " A dichotomous key search"

  See Fig. 3, element 70, col. 16, lines 27 – 50, Fig. 10, element 144 – 146. As defined in

  the Specification a "dichotomous key search" is used to instruct users given in an answer

or question dialog, often yes or no answer (Specification, page 18, lines 6 – 8). In fig. 10,

Witek also gives the users the options of answer questions by checking the boxes.

Therefore, this search option is corresponding to the "dichotomous key search". " A

parametric search" See Fig. 10, elements 154, 158, 160, 142, col. 30, lines 10 – 29.

◆ As per claim 6, 16, 26, 36,

- "The related data includes one or more of text, graphics, objects, links to other nodes

    within the directory tree structure" See Fig. 8 – 10, col. 23, lines 44 – 48, col. 24, lines 10

    – 16 of Witek.

◆ As per claim 7, 17, 27, 37,

- "The searchable database is distributed into more than one physical location" See Fig. 1,

    element 20, col. 9, lines 53 – col. 10, lines 5, col. 25, lines 37 – 44 of Witek.

◆ As per claim 8 - 10, 18 – 20, 28 – 30, 38,

- "Accessing a nodes is performed by a server" See Fig. 1, 5A, col. 25, lines 13 – 33 of

    Witek.

- "Establishing an Internet connection with the server" See Fig. 5a, element 14, 24, col. 21,

    lines 15 – 20 of Witek.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 4 – 5, 14 – 15, 24 – 25, 34 – 35, are rejected under 35 U.S.C. 103(a) as being

unpatentable over Witek et al (U.S. 6,098,066) in view of Drucker et al (U.S 6,292,796).

♦ As per claim 4, 14, 24, 34,

Witek teaches a method for access information in a specific node, but does not clearly

teach how the navigation path is saved as the query string.

However, Drucker, on the other hand, discloses a method for searching document by

specify the navigation path, such as selecting subjects, keyword search, etc. as illustrated in Fig.

1 (col. 2 line 31 – 48, Drucker). The access mechanism includes user setup which allows user

specify search preferences (col. 6 line 63 – col. 7 line 6, Drucker). Those preferences are saved

for later modification (See Fig. 10 – 11, Drucker).

By saving the query or search preferences, Drucker teaches, "the navigation path is saved

as query string". It would have been obvious to one with ordinary skill in the art at the time the

invention was made to apply the teaching of Drucker about the saving user preferences into the

system of Witek, because the system of Drucker provides a great benefits in saving time for

users (col. 1 line 56 – 58, Drucker). The combination of Drucker and Witek produces a

convenience search engine for users, where user does not familiar with the system and does not

have a lot of time for a search query.

♦ As per claim 5,15, 25, 35, the combination system of Witek and Drucker discloses:

The user preferences are saved in the system, so when the new data is available, the user

is notified (col. 7 line 54 – 59, Drucker). The user does not need to manually traverse the

navigation path to search for information.

Conclusion

2.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

3.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to CamLinh Nguyen whose telephone number is 703 - 305-1951.

The examiner can normally be reached on Monday-Friday.

From October 25, 2004, the Examiner can be reached at a new phone number: 571 –

272 – 4024.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 308-1436. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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